

Jeffrey A. Cogan, Esq.

E-filed on March 5, 2009

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Attorney for Creditor, ALFRED OLSEN, JR.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:	)	Case No.: BK-S-06-10725-LBR
USA COMMERCIAL MORTGAGE COMPANY,	)	BK-S-06-10726-LBR
	)	BK-S-06-10727-LBR
Debtor.	)	BK-S-06-10728-LBR
	)	BK-S-06-10729-LBR

In re:)	
USA CAPITAL REALTY ADVISORS, LLC,)	
	)	Chapter 11
Debtor.)	

In re:	)	Jointly Administered Under
USA CAPITAL DIVERSIFIED TRUST DEED	)	Case No. BK-S-06-10725-LBR
FUND, LLC,)	
)	
Debtor.)	

	)	Date: April 10, 2009
In re:	)	Time: 9:30 a.m.

USA CAPITAL FIRST TRUST DEED FUND,)	
LLC)	
)	
Debtor.)	

	)	NOTICE OF
In re:	)	MOTION TO INTERPRET THE
USA SECURITIES, LLC,	)	USA CAPITAL
	)	REORGANIZATION
Debtor.	)	PLAN WITH RESPECT TO
	)	PROFESSIONALS LIABILITY

Affects:)	
<input checked="" type="checkbox"/> All Debtors)	

NOTICE IS HEREBY GIVEN that a MOTION TO INTERPRET THE USA
CAPITAL REORGANIZATION PLAN WITH RESPECT TO PROFESSIONALS
LIABILITY was filed on the 5th day of March, 2009, by Jeffrey A. Cogan, Esq.

1 Any opposing memorandum must be filed pursuant to Local Rule 9013(e)(1). Local
2 Rule 9013(e)(1): "Except for motions made pursuant to Fed.R.Bank.P. 7056 and LR
3 7056, an opposition to a motion must be filed and service completed upon the movant
4 not more than fifteen (15) days after service of the motion, (eighteen (18) days if
5 service of the motion is by mail pursuant to FRBP 9006(e) and (f), but in no event
6 later than five (5) business days before the date set for the hearing so that the movant
7 receives the opposition no less than five (5) business days before the hearing date or
8 within the time otherwise fixed by the court. The opposition must set forth all
9 relevant facts and must contain a legal memorandum. An opposition may be
10 supported by affidavits or declarations that conform to the provisions of subsection (d)
11 of this rule."

12 If an objection is not timely filed and served, the relief requested may be granted
13 without a hearing. LR 9013(a)(1) and LR 9013(c)(1)(E).

14 If you object to the relief requested, you *must* file a WRITTEN response to
15 this pleading with the court. You *must* also serve your written response on
16 the person who sent you this notice.

17 If you do not file a written response with the court, or if you do not serve your
18 written response on the person who sent you this notice, then:

- 19 • The court may *refuse to allow you to speak* at the scheduled hearing;
20 and
- 21 • The court may *rule against you* without formally calling the matter at
22 the hearing.

23 NOTICE IS FURTHER GIVEN that the hearing on the said Motion will be held
24 before a United States Bankruptcy Judge, in the Foley Federal Building located at 300 Las

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1 Vegas Boulevard South, Las Vegas, Nevada, 3rd Floor, Courtroom 1, on the 10th day of April,
2 2009, at the hour of 9:30 a.m.

3 Dated this 5th day of March, 2009.

4 **JEFFREY A. COGAN, ESQ., LTD.**

5
6 By: /s/ Jeffrey A. Cogan, Esq.
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CERTIFICATE OF SERVICE

1. On March 5, 2009, I served the following document(s): **NOTICE OF MOTION TO INTERPRET THE USA CAPITAL REORGANIZATION PLAN WITH RESPECT TO PROFESSIONALS LIABILITY and Certificate of Service**

2. I served the above-named document(s) by the following means to the persons as listed below:

(Check all that apply)

☒ **a. ECF System** *(you must attach the "Notice of Electronic Filing", or list all persons and addresses and attach additional paper if necessary)*

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11 ☐ **b. United States mail, postage fully prepaid** (*List persons and addresses.*
12 *Attach additional paper if necessary*)
13

14 ☐ **c. Personal Service** (*List persons and addresses. Attach additional paper if*
15 *necessary*)
16

17 I personally delivered the document(s) to the persons at these addresses:

18 ☐ For a party represented by an attorney, delivery was made by handing the
19 document(s) to the attorney or by leaving the document(s) at the attorney's office with
20 a clerk or other person in charge, or if no one is in charge by leaving the document(s) in
21 a conspicuous place in the office.

22 ☐ For a party, delivery was made by handing the document(s) to the party or by
23 leaving the document(s) at the person's dwelling house or usual place of abode with
24 someone of suitable age and discretion residing there.
25

26 ☐ **d. By direct email (as opposed to through the ECF System)**
27 (*List persons and email addresses. Attach additional paper if*
28 *necessary*)

1
2 Based upon the written agreement of the parties to accept service by email or a
3 court order, I caused the document(s) to be sent to the persons at the email
4 addresses listed below. I did not receive, within a reasonable time after the
5 transmission, any electronic message or other indication that the transmission
6 was unsuccessful.

7
8 ☐ **e. By fax transmission** (*List persons and fax numbers. Attach additional*
9 *paper if necessary*)

10
11 Based upon the written agreement of the parties to accept service by fax
12 transmission or a court order, I faxed the document(s) to the persons at the fax
13 numbers listed below. No error was reported by the fax machine that I used.
14 A copy of the record of the fax transmission is attached.

15
16 **I declare under penalty of perjury that the foregoing is true and correct.**

17
18 Signed on: March 5, 2009

19
20 Jeffrey A. Cogan

21 (Name of Declarant)

/s/ Jeffrey A. Cogan, Esq.

(Signature of Declarant)